



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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June 2, 2017

**VIA ECF**

The Honorable Colleen McMahon  
Chief United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1640  
New York, NY 10007

Re: Gonzalez v. New York City et al.  
16 CV 254 (CM)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the Office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. I write on behalf of Defendant City of New York to respond to this Court's Orders dated December 2, 2016, February 1, 2017, April 4, 2017, and May 5, 2017, pursuant to *Valentin v. Dinkins*.

By way of background, plaintiff's complaint alleges *inter alia* that he was denied due process when a member of the New York City Department of Correction (hereinafter "NYCDOC") improperly held him at Central Booking on an arrest warrant that had been vacated. By Order dated December 2, 2016, this Court directed Defendant City to produce to plaintiff "the name and contact information of the NYDOC officer involved in Plaintiff's detention pursuant to the allegedly vacated warrant." (Doc. No. 18). On or about January 23, 2017, in response to Defendant's request, plaintiff provided the following description of two officers: "Plaintiff was held in AMKC - C-95, and he made specific complaints to the correction officer known as the 'A' Officer at that facility. This correction officers [*sic*] was Hispanic, short stocky build, short hair, and in his 30's. Plaintiff also made specific complaints to the Security Captain in C-95, who was caucasian [*sic*], medium build, short hair, and in his late 40's."

Plaintiff's complaint alleges he made complaints to only one officer. Notwithstanding, although the Complaint only contains allegations against one John Doe Correction Officer, the undersigned has conducted an investigation to identify the Security Captain described by plaintiff. However, to date, Defendant has been unable to identify any Security Captain meeting the description provided by plaintiff.

However, Defendant has been able to identify an individual meeting plaintiff's description of the "A Officer." Accordingly, in response to the *Valentin* Order, and in light of the description provided by plaintiff, defendant City identifies, upon information and belief, Correction Officer Perez, Shield No. 18670, as the assigned "A" Post officer at AMKC Intake on March 1, 2015. He may be served at DOC Headquarters 75-20 Astoria Blvd. East Elmhurst, NY 11370.

Upon information and belief, Correction Officer Perez is presently on military leave. The undersigned is currently investigating when Correction Officer Perez is expected to return to duty at NYCDOC. Defendant anticipates requesting a stay of all civil proceedings pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C.S. Appx. § 521 (2001) once this information is ascertained. Counsel for Plaintiff, Malcolm Anderson, Esq., has consented to Defendant's anticipated request for a stay of proceedings.

Thank you for your consideration herein.

Respectfully submitted,

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